



WESTERN REVIEW

OF LEGISLATIVE & REGULATORY ACTIONS



Region 8 – February 2007

US ARMY ENVIRONMENTAL COMMAND – WESTERN REGIONAL ENVIRONMENTAL OFFICE

WREO Accomplishments for 2006

By Robert Gurdikian
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The Western Region Environmental Office (WREO) accomplishments outlined below demonstrate our successful collaboration across the military services, with Army installations, and among state and federal agencies and non-governmental organizations. In 2006, the WREO successfully collaborated with a number of states on important matters that saved significant resources for the Department of Defense (DoD) without jeopardizing environmental protection. Our goal is to help maintain Army readiness in a manner that is fully consistent with our dedication to preserving the environment.

Legislative and Regulatory Achievements

Colorado Asbestos in Soils Regulations – The Colorado Department of Public Health and the Environment (CDPHE) commenced efforts to propose regulations and adopt guidance to manage soil containing any amount of asbestos above ambient conditions that is disturbed by any mechanical means. These requirements would potentially apply to many construction, operational, and training activities on military installations.

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Federal News

The United States Environmental Protection Agency (EPA) has issued the final rule amending the Spill Prevention, Control, and Countermeasure (SPCC) regulations. For more information, see page 4.

State News

The Colorado Department of Public Health and Environment has released new rules regarding notification requirements for certain waste solvents. For more information, see the notice on page 7.

WREO News Brief

Global warming and greenhouse gases is a hot topic domestically and internationally. President Bush recently signed an Executive Order, "Strengthening Federal Environmental, Energy, and Transportation Management," which in part requires federal agencies to reduce greenhouse gas emissions by 3 percent annually through the end of fiscal year 2015 or 30 percent by the end of fiscal year 2015 relative to a baseline of energy use in fiscal year 2003. The Executive Order contains a potential exemption for military tactical vehicle fleets. California enacted its Global Warming Solutions Act of 2006, requiring the achievement by 2020 of a statewide greenhouse gas emissions level equivalent to the 1990 state level, but does not include a military exception. Arizona, Hawaii, and Washington have acted or are considering actions to reduce greenhouse gas emissions. The WREO will continue to monitor the states' efforts and help coordinate any appropriate response.

About the Western Review of Legislative & Regulatory Actions

The *Western Review of Legislative & Regulatory Actions* provides current information on significant regulatory and legislative developments, as well as related information affecting Department of Defense (DOD) activities and operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, the *Review* can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your Regional Environmental Coordinator (REC) point-of-contact if any pending rules or laws in this document will have significant impact on your operations.

The mission of the Western Regional Environmental Office (WREO) is to support the Army/DOD through coordination of regional environmental issues and activities. This includes providing regional reviews of legislative and regulatory issues relevant to the Army/DOD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

The monthly *Western Review of Legislative & Regulatory Actions* is available by e-mail distribution. If you would like to receive the *Review* in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian: rgurdikian@rma.army.mil.

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WREO Accomplishments for 2006

(Continued from page 1)

The WREO and others worked on the development of the proposed regulations and guidance documents to secure several improvements. The rule now allows property owners and operators to work proactively with regulators to avoid project delays associated with individual work plan approval for each project. For the Army this means excavations with a total volume of less than one cubic yard of soil were exempted from the rules. Most importantly, the WREO worked directly with state regulators to provide training to military installation personnel to insure awareness and understanding of the new regulations.

Wyoming Product Delivery Prohibition to Non-Compliant Storage Tank Systems – This prohibition potentially banned deliveries to all petroleum tanks at any facility with a compliance violation at any one tank. Such a prohibition could have put military readiness at risk without any benefit to the environment. The WREO and the Air Force Central Regional Environmental Office worked with the Wyoming Department of Environmental Quality (DEQ) on the proposed rules and any planned implementation. The DEQ favorably clarified its position on this and related issues important to DoD. The WREO will continue to engage as appropriate as the rule-making process continues.

California Lead-Based Paint (LBP) – The WREO met with the California Department of Toxic Substances Control (DTSC) to discuss the challenges faced by DoD agencies in disposing of building debris contaminated with lead. DTSC was receptive to considering an “alternative management standard” for LBP contaminated debris rather than disposal at a Class 1 hazardous waste landfill. This will significantly reduce the Army’s cost associated with the demolition/deconstruction of WW II era buildings while at the same time fully protecting human health and the environment.

California Best Management Practices (BMPs) on Perchlorate – Following extensive communications and the consideration of information provided by the military services, the DTSC found that the current practices, guidelines and instructions of the DoD meet most of the

State’s perchlorate BMPs. The WREO took the lead in drafting a primer to help DoD installation staff comply with the new requirements. The DTSC determined that DoD procedures were equivalent to the State’s new BMP requirements. This determination means DoD will be able to use our limited environmental resources on substantive environmental needs rather than meeting duplicative administrative requirements.

California Biodiesel – The military is the single largest user of bio-diesel fuel in the state of California, but our continued use was at risk due to pending state diesel regulations. The military uses a blended biodiesel fuel B20, comprised of 20 percent biodiesel and 80 percent diesel, results in overall cleaner emission from our compression ignition engines. The DoD Region 9 Regional Environmental Coordinator (REC) team, which included the WREO, educated the California Air Resources Board (CARB) staff regarding the predicament presented by DoD’s continued use of biodiesel and the CARB requirements for the installation of emission control devices (ECD). Until recently, there was only one ECD certified for use with biodiesel. The CARB announced a policy change that will allow the military’s continued use of biodiesel in California by authorizing the use of ECDs certified for ultra low sulfur diesel (ULSD) for use with biodiesel.

Washington Proposed Water-Use Efficiency Rule – The WREO, along with other services, advised the Washington Department of Health (DOH) that its draft proposed water use rule could not apply to the federal government. This regulation would require specific community water systems and some non-community, residential use water systems to implement specific monitoring of and reporting on water use. The WREO helped coordinate a military recommendation on the proposed regulation, sharing with the State current military practices conserving water usage. Through this education and outreach, the DOH agreed that the final rule would not apply to the federal government. This represented a significant cost savings, allowing the military to apply these monies to other programs.

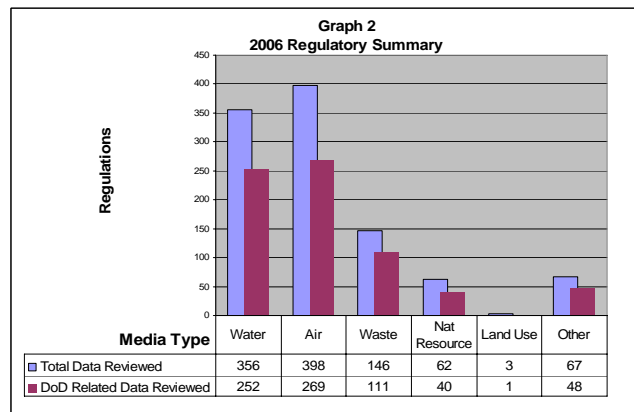
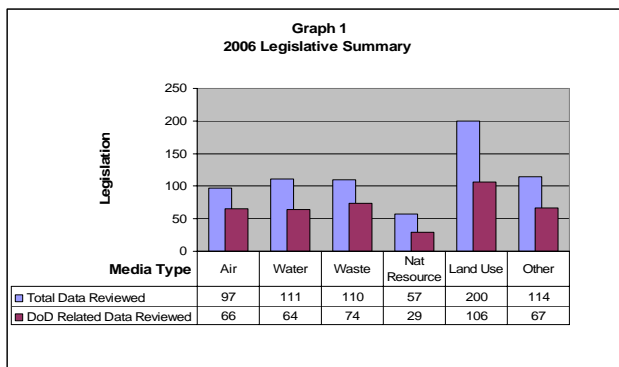
Partnerships

First Idaho Environmental Summit - The WREO, Air Force, and Navy participated in the first annual Idaho Environmental Summit, which was sponsored by the Nez Perce Tribe with a grant from the USEPA. The Summit provided an excellent platform to promote the Army as well as create partnering opportunities with groups such as Sustainable Northwest and the Idaho Conservation League.

Environmental Council of States (ECOS) Tour in Washington – The WREO coordinated planning of this tour of military sustainability efforts in Washington State, with a primary focus on activities at Fort Lewis. ECOS legislators learned how pro-active the military is in embracing sustainability concepts and invited Fort Lewis to make a presentation at their national “Forum for a Sustainable Future”.

Publications

During 2006, the WREO reviewed 689 pieces of pending legislation and 1032 proposed regulations (See Graphs 1 and 2) from the 14 states in the western region. The Western Region Review notified our 450 monthly readers about 406 bills and 721 proposed regulations relevant to Army/DoD. will be provided to the legislature in 2007.



Your REO at Work in 2007

**Legislative Items Reviewed
– 199**

**Regulatory Items Reviewed
– 268**





Regulatory News

FEDERAL

Environmental Protection Agency

Air Information

Revision to Definition of Volatile Organic Compounds – The United States Environmental Protection Agency (EPA) has added 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane [also known as HFE-7300 or L-14787] to the list of compounds excluded from the definition of volatile organic compounds (VOC) on the basis that this compound makes a negligible contribution to tropospheric ozone formation (72 FR 2193). For more information, contact Larry Webber, USAEC, at (410) 436-1213.

Water Information

Proposed Rulemaking for Non-Transportation Related Onshore Facilities – The EPA is proposing to extend the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those plans (71 FR 77357). In addition, the proposed rule extends the compliance dates for mobile facilities to prepare or amend and implement an SPCC plan to July 1, 2009. Comments are due by January 25, 2007. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

Spill Prevention, Control, and Countermeasure Plan Requirements Amendments – The EPA has issued the final rule amending the SPCC regulations (71 FR 77266). The rule affects mobile refuelers, facilities that have aboveground oil storage capacity, and facilities that have oil-filled equipment. This rule is effective February 26, 2007. For more information, contact Mike Eck, USAEC, at (410) 436-1213. Various fact sheets are available at http://www.epa.gov/oilspill/spcc_dec06.htm.

Unregulated Contaminant Monitoring Regulation for Public Water Systems – The EPA has issued a final rule addressing the unregulated contaminant monitoring regulation

(UCMR) for public water systems (72 FR 367). In response to comments, EPA removed perchlorate from the list of contaminants to be monitored under UCMR 2. The final rule is effective on February 5, 2007.

Release of the Causal Analysis/ Diagnosis Decision Information System – The EPA has released the external review draft of Part 1 of the 2007 release "Causal Analysis/Diagnosis Decision Information System (CADDIS)" Web site. The CADDIS is used to determine the causes of waterbody impairment. Comments are due February 16, 2007. The Web site is available at <http://caddis.tetrattech-ffx.com>.

Waste Information

None.

Other Federal Information

Biobased Products Preference Program – The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are amending the Federal Acquisition Regulation to implement Section 9002 of the Farm Security and Rural Investment Act of 2002 (71 FR 77360). Section 9002 requires that a procurement preference be afforded biobased products within items designated by the Secretary of Agriculture. Comments are due by February 26, 2007. For more information, contact Bob Shakeshaft, USAEC, at (410) 436-1222.

Availability of NOAA Grant Funds for Fiscal Year 2007 – The National Oceanic and Atmospheric Administration published this notice to provide the general public with a consolidated source of program and application information related to its competitive grant and cooperative agreement award offerings for fiscal year 2007. The Omnibus notice describes funding opportunities including the California Bay Watershed Education and Training Program and the Proactive Species Conservation Program. Military installations may partner with another agency. Proposals must be received by the date and time indicated under each program listing in

the supplementary information section of this notice. More information is available at www.grants.gov.

Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual – The draft document “Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual” (MARSAME) is available for comment ([72 FR 1708](#)). MARSAME provides information on planning, conducting, evaluating, and documenting radiological surveys for

demonstrating compliance with measurable action levels applied to materials and equipment. Comments are due April 16, 2007. The document is available at <http://63.151.45.33/marsame/system/index.cfm>.

Conferences, Symposia, and Training

<i>Event</i>	<i>Date and Location</i>	<i>Details</i>
Alaska Forum on the Environment	February 12-16, 2007 Anchorage, AK	This year's event will again deliver nationally recognized speakers. Over 80 breakout sessions will provide educational opportunities and the latest research information of Alaska's environment. http://www.akforum.com
Army National Guard National Environmental Workshop	March 5-15, 2007 San Diego, CA	This workshop provides the latest regulatory information and consolidated training in an 8 day course. http://server2.plateauinc.com/New/overview.asp
Ground Water Industry Legislative Conference/NWGA Fly-in	March 5-6, 2007 Washington, DC	Annual conference for National Ground Water Association members who receive briefings from congressional leaders and key policy makers. http://www.ngwa.org/ngwainwashington/flyin.cfm
Hazardous Waste Management and Manifest Initial DOT Certification Course	March 12-16, 2007 Phoenix, AZ	Part of the US Army Corps of Engineers PROSPECT Training program. The 36-hour course addresses the management and transportation of hazardous waste and the use of the new hazardous waste manifest. To register, go online at http://pdsc.usace.army.mil/HowToRegister.aspx . For information about the course, go to http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223 or contact Sandi Zebrowski, (402) 697-2562, sandi.m.zebrowski@usace.army.mil .
Hazardous Waste Management and Manifest DOT Recertification Course	March 14-15, 2007 Phoenix, AZ	This 16-hour course fulfills the recurrent training requirements of 49 CFR 172, Subpart H as they relate to the transportation of hazardous wastes and the use of the new hazardous waste manifest. To register, go online at http://pdsc.usace.army.mil/HowToRegister.aspx . For information about the course, go to http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429 or contact Sandi Zebrowski, (402) 697-2562, sandi.m.zebrowski@usace.army.mil .
Navy Occupational Health and Preventive Medicine Conference	March 17-22, 2007 Hampton, VA	The theme for this year's conference, "Public Health in a Globalized World," forms the framework for a multi-disciplinary program of outcome-focused public health programs in the areas of occupational health, preventive medicine, health promotion, risk communication, and operational medicine. http://www-nehc.med.navy.mil/Conference07/Index.htm
North American Wildlife and Natural Resources Conference	March 20-24, 2007 Portland, OR	The Wildlife Management Institute is holding the 72nd Annual Conference to address prevailing issues, policies and practices of professional management of wildlife and other natural resources. http://www.wildlifemanagementinstitute.org/pages/TOC.html?179,143
Region VII Annual Regional Conference, Association of US Army	April 11-14, 2007 Denver, CO	This conference is held annually in AUSA Region VII (CO, UT, WY, NV, AZ, CA, and NM). Various speakers to address current topics regarding State of the Army and related world events. http://chapters.ausa.org/denver/events/meetarch/meeting/
GW18 Global Warming International Conference and Expo	April 18-20, 2007 Miami, FL	Sponsored by the Global Warming International Center, this conference will focus on bringing the discussion of global warming mitigation to the public as well as exchanging scientific data and public policy research. http://gw18.globalwarming.net
National Association of Environmental Professionals Conference	April 22-25, 2007 Orlando, FL	This year's conference theme is "Environmental Leadership: Science, Education, Alliances" and focuses on how environmental professionals are working to solve important issues through leadership in the areas of science, education, and the development of alliances. http://naep.org/displayconvspecific.cfm?convnbr=2679

<i>Event</i>	<i>Date and Location</i>	<i>Details</i>
In Situ and on-Site Bioremediation Symposium	May 7-10, 2007 Baltimore, MD	The Ninth International In Situ and On-Site Bioremediation Symposium will integrate the latest developments in fundamental research with innovative engineering applications. http://www.battelle.org/environment/er/conferences/biosymp
2007 Building Materials Reuse Association Conference	May 14-16, 2007 Madison, WI	This national conference focuses on deconstruction, building materials reuse, and construction and demolition debris recycling. http://www.union.wisc.edu/bmra/index.html
Joint Services Environmental Management Conference	May 21-24, 2007 Columbus, OH	JSEM 2007 highlights the many new and innovative ways the DoD, other federal agencies, states, and industry are meeting mission needs while protecting the environment. http://www.jsemconference.com/2007/index.htm
Third National Water Resources Policy Dialog	September 22-23, 2007 Arlington, VA	This conference will discuss existing water resource policies and aim to develop a national water policy. http://www.awra.org/meetings/DC2007/index.html



Regulatory and Legislative News

COLORADO

Regulatory Developments

Air Information

None.

Water Information

Revisions to the Arkansas/Rio Grande Basin Water Quality Standards – The Water Quality Control Commission (WQCC) is proposing various Water Quality Standards rulemakings in the Arkansas/Rio Grande Basin prior to the next scheduled triennial review in June 2007. The WQCC will hold a public hearing on March 13, 2007 to consider adoption of amendments to the ammonia standards. Additionally, the WQCC will hold a public hearing June 11, 2007 to consider revisions to the water quality classifications, standards and designations for waters in the Arkansas River Basin and in the Rio Grande Basin. For more information, contact Diana Glaser at (303) 692-3469. Notice of the March public hearing, including the proposed regulatory text, is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=2044.

Revisions to the Discharge Permit System Regulations – The WQCC Commission is

discussing the potential amendment of its Discharge Permit System Regulations. No specific amendments have been proposed. The Commission will hold a public hearing February 12, 2007 to accept public comment on the regulations. For more information, contact Diana Glaser at (303) 692-3469. Notice of the public hearing is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/Informational/61rrih07.pdf>.

Waste Information

Notification Requirements for Certain Waste Solvents – The Colorado Department of Public Health and Environment (CDPHE) has released new rules on businesses and agencies that generate three or more gallons of certain waste solvents and degreasers. The compliance notice is available at www.cdphe.state.co.us/HM/cesqgnotify.

Other Information

None.

Legislative Developments

The 2007 Colorado legislative session began on January 10, 2007, and adjourns on May 9, 2007. For information on the legislative session, link to <http://www.leg.state.co.us>.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
HB 1012 <i>Representative Frank McNulty (R)</i> Proposes to exclude from consideration in an analysis of historic consumptive use the period of time which a loaned water right is used by the Colorado Water Conservation Board for instream purposes.	1/10/07			Passed second reading 1/19/07
SB 13 Senator Joshua Penry (R) Establishes that approving plans for augmentation shall contain terms necessary	1/10/07			Referred to the Agriculture, Livestock and Natural Resources Committee 1/10/07
WASTE				
NATURAL RESOURCES				
HB 1038 Representative Dan Gibbs (R) Proposes to create the non-native plant control fund in the state treasury.	1/10/07			Referred to the Agriculture, Livestock and Natural Resources Committee 1/10/07
LAND USE				
HB 1013 <i>Representative Mary Hodge (D)</i> Proposes to require the board of a water conservancy district to exclude lands from the district if such lands have not received services from the district for a period of one year.	1/10/07			Referred to the Agriculture, Livestock and Natural Resources Committee 1/10/07
HB 1036 <i>Representative Jerry Sonnenberg (R)</i> Proposes to prohibit the state from exercising eminent domain that results in the acquisition of appropriated water rights.	1/10/07			Referred to the Agriculture, Livestock and Natural Resources Committee 1/10/07
HB 1069 <i>Representative Wes McKinley (D)</i> States that DoD shall only acquire land in the state for purposes of training military personnel by means other than eminent domain.	1/10/07			Referred to the State, Veterans, and Military Affairs Committee 1/10/07
OTHER				
HB 1060 <i>Representative Jim Riesberg (D)</i> Proposes to establish the bioscience discovery grant program and appropriates money for research.	1/10/07			Referred to Finance and Appropriation Committee 1/10/07



Regulatory and Legislative News

MONTANA

Regulatory Developments

Air Information

Interstate Transport of PM 2.5 Emissions –
The Montana Department of Environmental Quality will receive public comment regarding the proposed inclusion of a declaration of no impact regarding interstate transport of PM 2.5 emissions into the Montana State Implementation Plan. A public hearing is scheduled for February 12, 2007. For more information, contact Debra Wolfe at (406) 444-2544. The public hearing

notice is available at
www.deq.state.mt.us/meetings.asp.

Water Information

None.

Waste Information

None.

Other Information

None.

Legislative Developments

The 2007 Montana legislative session begins January 3, 2007 and adjourns April 24, 2007. For information on the legislative session, link <http://www.leg.state.mt.us>.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
HB 55 <i>Representative Kevin Furey (D)</i> Proposes to authorize the licensing or leasing of state trust lands for carbon sequestration or other ecosystem services.	12/8/06			Heard in Natural Resources Committee 1/12/07
HB 176 <i>Representative Franke Wilmer (D)</i> Proposes to establish uniform definitions of ethanol and related terms.	12/26/06			Heard in Transportation Committee 1/17/07
HB 183 <i>Representative Mike Jopek (D)</i> Proposes to create a biodiesel loan program to be administered by the Department of Agriculture.	1/4/07			Referred to Appropriations Committee 1/9/07
HB 227 <i>Representative Ron Erickson (D)</i> Proposes to create a special revenue account for the purpose of loans for carbon sequestration projects.	1/9/07			Referred to Appropriations Committee 1/9/07
HB 282 <i>Representative Ron Erickson (D)</i> Proposes to require the Board of Environmental Review to establish requirements for the capture, transportation and storage of carbon dioxide at coal-fired electrical generation plants.	1/10/07			Referred to the Natural Resources Committee 1/11/07
HB 295 <i>Representative Ron Erickson (D)</i> Proposes to allow governing bodies to deny or impose conditions on land use and development proposals based solely on whether they comply with a growth policy.	1/12/07			Introduced 1/12/07
HB 301 <i>Representative Michele Reinhart (D)</i> Proposes to make state energy policy goal statements that include the encouragement of renewable energy production and greenhouse gas emission caps	1/12/07			Referred to the Federal Relations, Energy & Telecommunications Committee 1/11/07
HB 309 <i>Representative Bob Bergren (D)</i> Proposes to require that all diesel fuel sold in Montana must contain at least 2% biodiesel by volume.	1/12/07			Introduced 1/12/07
SB 105 <i>Senator Greg Lind (D)</i> Proposes to provide a tax break for equipment to sequester carbon dioxide.	12/15/06			Considered in Natural Resources and Energy Committee 1/17/07
SB 122 <i>Senator Sam Kitzenberg (D)</i> Proposes to establish an ethanol and biobased renewable fuels education board.	12/20/06			Considered in Highways & Transportation Committee 1/16/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 218 <i>Senator Greg Lind (D)</i> Proposes to revise sequestration standards for carbon.	1/9/07			Referred to Natural Resources and Energy Committee 1/9/07
WATER				
HB 16 <i>Representative Jim Keane (D)</i> Proposes to repeal the water adjudication fee. Clarifies claim examination priorities	11/16/06			Considered in Natural Resources Committee 1/10/07
HB 36 <i>Representative John Musgrove (D)</i> Proposes to extend the termination date for increasing the limit for a loan to a water user's association or ditch company from the renewable resources grant program.	11/30/06	1/19/07		Sent to Senate 1/19/07
HB 39 <i>Representative Walter McNutt (R)</i> Proposes to revise the water right ownership process.	11/30/06			Considered in Natural Resources Committee 1/15/07
HB 55 <i>Representative Kevin Furey (D)</i> Proposes to authorize the licensing or leasing of state trust lands for carbon sequestration or other ecosystem services.	12/8/06			Considered in Natural Resources Committee 1/12/07
HB 73 <i>Representative Dave Gallik</i> Proposes to increase the limits on fees that may be imposed to support the water quality program of the DEQ.	12/14/06			Considered in Natural Resources Committee 1/12/07
HB 87 <i>Representative Douglas Cordier (D)</i> Proposes to empower water commissioners to oversee changes to water appropriation rights.	12/18/06			Referred to Senate State Administration Committee 1/19/07
HB 93 <i>Representative Debby Barrett (R)</i> Proposes to repeal the water adjudication fee. Provides for completion of examination on a basin-by-basin basis.	12/20/06			Considered in Natural Resources Committee 1/10/07
HB 119 <i>Representative Jill Cohenour (D)</i> Proposes to review permit requirements for water quality.	12/21/06			Considered in Natural Resources Committee 1/19/07
HB 130 <i>Representative Margaret Campbell (D)</i> Proposes to provide refunds up to \$400 of water adjudication fees.	12/21/06			Considered in Natural Resources Committee 1/10/07
HB 138 <i>Representative Walter McNutt (R)</i> Proposes to revise laws of water appropriation.	12/21/06			Referred to Natural Resources Committee 1/5/07
HB 184 <i>Representative Mike Jopek (D)</i> Proposes to establish a growth policy to include strategies for preserving public access to lakes, streams, rivers, and other waterways.	1/4/07			Referred to Natural Resources Committee 1/9/07
HB 203 <i>Representative Mike Jopek (D)</i> Proposes to revise controlled groundwater area designations.	1/5/07			Referred to Natural Resources Committee 1/9/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 205 <i>Representative George Everett (R)</i> Proposes to revise controlled groundwater area provisions by providing requirements to be met before a groundwater area petition may be accepted.	1/5/07			Referred to Natural Resources Committee 1/9/07
HB 262 <i>Representative Mike Jopek (D)</i> Proposes to remove the exemption for a water right permit for a water allocation from groundwater when the withdrawal from a well or developed spring is 35 gallons a minute or less.	1/9/07			Referred to the Natural Resources Committee 1/9/07
HB 304 <i>Representative Kevin Furey (D)</i> Proposes to create an interim water policy committee.	1/11/07			Referred to Natural Resources Committee 1/17/07
HB 320 <i>Representative Jack Ross (R)</i> Proposes to close the Fiddler Creek Subbasin to new water appropriations or state water reservations.	1/12/07			Referred to Natural Resources Committee 1/17/07
HJ 5 <i>Representative Michael Lange (R)</i> Urges Montana's Congressional Delegation to support legislation requiring the Army Corps of Engineers to increase and maintain a minimum pool elevation in the Fort Peck Reservoir.	1/4/07			Referred to Natural Resources Committee 1/9/07
SB 128 <i>Senator Jesse Laslovich</i> Proposes to allow for the Department of Fish, Wildlife, and Parks to change water rights to protect, maintain, or enhance stream flow to benefit fishery resources.	12/20/06			Referred to Fish and Game Committee 12/27/06
SB 199 <i>Senator David Wanzenried (D)</i> Proposes to eliminate the ability of a governing body to overrule a protest for a sanitary sewer district.	1/8/07			Referred to the Local Government Committee 1/8/07
WASTE				
HB 47 <i>Representative Dave Gallik (D)</i> Proposes to increase the size of a tract of land that is subject to the permitting exclusion for disposal of household or agricultural waste.	12/6/06			Considered in Agriculture Committee 1/9/07
HB 88 <i>Representative Sue Dickenson (D)</i> Proposes to regulate electric generation facility waste.	12/18/06			Considered in Federal Relations, Energy & Telecommunications Committee 1/17/07
HB 94 <i>Representative Kendall Van Dyk (D)</i> Proposes to revise penalties for the prevention and correction of leakage from underground storage tanks.	12/20/06			Considered in Natural Resources Committee 1/19/07
HB 104 <i>Representative Kevin Furey (D)</i> Proposes to require the owner or operator of a water appropriation facility to install and maintain suitable controlling and measuring devices.	12/20/06			Considered in Natural Resources Committee 1/17/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 144 <i>Representative Arlene Becker (D)</i> Proposes to authorize the DEQ to enjoin the transportation of solid waste if there is a violation of waste management laws.	12/22/06			Considered in Natural Resources Committee 1/17/07
HB 167 <i>Representative Betsy Hands (D)</i> Proposes to revise the process for adopting the state solid waste management and resource recovery plan.	12/26/06			Referred to Natural Resources Committee 1/9/07
HB 261 <i>Representative Mike Jopek(D)</i> Proposes to prohibit disposal of mercury-containing products in a solid waste disposal facility.	1/9/07			Referred to Natural Resources Committee 1/9/07
SB 77 <i>Senator Rick Laible (R)</i> Proposes to require the Department of Fish, Wildlife, and Parks to submit a detailed program report to legislative committees, identifying any project that involves stream remediation from mining activities.	12/12/06			Passed Fish and Game Committee 1/18/07
NATURAL RESOURCES				
HB 37 <i>Representative Michele Reinhart (D)</i> Proposes to define the term “noxious weeds”.	11/30/06			Bill tabled in Natural Resources Committee 1/15/07
SB 25 <i>Senator Lane Larson (D)</i> Proposes to define terms for the contract harvesting and sale of forest products from state trust lands.	11/22/06			Bill passed Natural Resources & Energy Committee 1/18/07
SB 58 <i>Senator Ken Hanson (D)</i> Proposes to terminate the prairie dog management law	12/7/06			Bill considered in Fish & Game Committee 1/11/07
SB 126 <i>Senator Steve Gallus (D)</i> Proposes to repeal the termination of future fisheries improvement program. Authorizes that the Department of Fish, Wildlife, and Parks will continue to fund and implement projects to enhance fisheries habitat and ensure funding is maintained.	12/20/06	1/19/07		Transmitted to House 1/19/07
SB 244 <i>Senator Dan Weinberg (D)</i> Proposes to increase the fine for lakeshore protection violations to a fine not less than \$500 or more than \$5000.	1/11/07			Referred to Local Government Committee 1/11/07
LAND USE				
HB 24 <i>Representative Harry Klock (R)</i> Proposes to provide common carrier status to pipelines moving carbon dioxide.	11/27/06			Considered in Federal Relations, Energy & Telecommunications Committee 1/10/07
HB 200 <i>Representative Mike Jopek (D)</i> Proposes to revise state land classification laws.	1/5/07			Referred to Natural Resources Committee 1/9/07
HJ 9 <i>Representative Ken Peterson (R)</i> Creates an interim study on the laws relating to the creation of easements.	1/10/07			Passed Judiciary Committee 1/19/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 41 <i>Senator Jim Elliott (D)</i> Proposes to provide that a city or town may not serve as a pass-through entity by using its power of eminent domain to obtain property to sell or to provide to a private entity within 10 years of acquisition.	11/30/06			Considered in Judiciary Committee 1/3/07
SB 51 <i>Senator Bob Hawks (D)</i> Proposes to require land use growth policies to consider fire and wildland fire among the natural hazards that subdivision regulations are required to reasonably address.	12/05/06			Considered in Local Government Committee 1/11/07
SB 75 <i>Senator Bob Hawks</i> Proposes to revise laws and funding formulas for the administration of state trust land.	12/11/06			Considered in Finance & Claims Committee 1/3/07
SB 78 <i>Senator Lane Larson (D)</i> Proposes to provide reasonable and safe public access to streams and rivers from a county bridge, its right-of-way, and its abutments.	12/12/06			Considered in Fish & Game Committee 1/18/07
SB 106 <i>Senator Sam Kitzenberg (D)</i> Proposes to establish portions of Brush Lake as a state park.	12/15/06			Considered in Fish & Game Committee 1/16/07
SB 107 <i>Senator Sam Kitzenberg (D)</i> Establishes portions of Culbertson Overlook as a state park.	12/15/06			Considered in Fish & Game Committee 1/16/07
SB 110 <i>Senator Rick Laible (R)</i> Proposes to revise conditions under which land may not be annexed.	12/18/06			First reading in Local Government Committee 1/3/07
SB 131 <i>Senator John Cobb (R)</i> Proposes to extend the termination date for the sale of state trust land and purchase of replacement property through the land banking program.	12/20/06	1/16/07		Sent to House 1/16/07
SB 167 <i>Senator Bob Hawk</i> Proposes to allow counties to designate boundaries of wildland-urban interface and impose development standards on those areas through zoning and other land use.	12/28/06			Considered in Local Government Committee 1/8/07
SB 201 <i>Senator Rick Laible</i> Proposes to revise land use laws to allow local governments to adopt growth policies that address infrastructure planning.	1/8/07			Referred to Local Government Committee 1/8/07
SB 238 <i>Senator David Wanzenried (D)</i> Proposes to provide that a private historic access right-of-way is a public use for purposes of eminent domain.	1/11/07			Referred to Judiciary Committee 1/11/07
OTHER				
HB 114 Representative Alan Olson (R) Proposes to establish the Montanan Energy Transmission and Transportation Authority.	12/21/06			Considered in Federal Relations, Energy & Hearing scheduled 1/15/06

Western Review of Legislative & Regulatory Actions – Region 8

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 161 <i>Representative Sue Dickenson (D)</i> Proposes to modify the filing fee provisions of the Montana Major Facility Siting Act.	12/26/06			Referred to Federal Relations Energy & Telecommunications Committee 1/9/07
HB 163 <i>Representative Roger. Koopman (R)</i> Proposes that public funds may not be expended for lobbying and prohibits certain public employees from lobbying.	12/26/06			Considered in State Administration Committee 1/17/07
HB 271 <i>Representative Walter McNutt (R)</i> Proposes to revise the membership of the Board of Environmental Review.	1/10/07			Referred to Natural Resources Committee 1/11/07
HB 318 <i>Representative Dennis Himmelberger (R)</i> Proposes to increase the minimum fuel octane level to 87.	1/12/07			Referred to Transportation Committee 1/17/07
HJ 6 Urges Congress and the President to support the "25 X 25" plan to use agricultural resources to produce 25% of America's Energy by the year.	1/9/07			Referred to the Federal Relations, Energy, and Telecommunications Committee 1/9/07
SB 177 <i>Senator Carolyn Squires</i> Proposes to extend the time in which a petition may be filed with a district court to set aside a decision made by the Montana Environmental Quality Council.	12/28/06			Referred to the Committee on State Administration 12/28/06



Regulatory and Legislative News

**NORTH
DAKOTA**

Regulatory Developments

Air Information

None.

Water Information

None.

Waste Information

None.

Legislative Developments

The 2007 North Dakota legislative session begins January 3, 2007, and adjourns mid-April, 2007. For information on the legislative session, link to <http://www.legis.nd.gov>.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
SB 2087 <i>Senate Transportation Committee</i> Proposes to define E85 fuel as a petroleum product that contains 85% agriculturally derived denatured ethanol by volume but must contain 60% ethanol by volume.	12/20/06	1/18/07		Introduced and referred to Transportation Committee 1/31/07
WATER				
HB 1131 <i>House Natural Resources Committee</i> Proposes to provide for a geothermal system installer to be appointed to the state board of water well contractors.	12/29/06	1/18/07		Introduced in Senate 1/19/07
WASTE				
HB 1085 <i>House Agriculture Committee</i> Proposes to make the pesticide disposal program permanent.	12/21/06	1/18/07		Introduced in Senate 1/19/07
HB 1094 <i>House Political Subdivisions Committee</i> Propose that regulations on underground storage tanks adopted by the State Department of Health must not be more stringent than requirements of federal acts.	12/29/06	1/8/07		Sent to Senate 1/9/07
HB 1109 <i>Representative Francis Wald (R)</i> Proposes to define a portable tank as a storage tank along with its piping and wiring that is not stationary or affixed, including a tank on skids.	12/29/06			Considered in Business Industry & Labor Committee 1/16/07
HB 1300 <i>Representative Shirley Meyer (D)</i> Proposes to require tire retailers to charge an advance disposal fee of \$2.25 for each tire installed regardless of whether the retailer returns the replaced tire to the purchaser.	1/8/07			Considered in Business Industry & Labor Committee 1/17/07
SB 2085 <i>Senate Finance and Taxation Committee</i> Proposes to require a supplier or distributor of motor vehicle fuel to take a physical inventory of fuel on a monthly basis and to report inventory gains and losses to the Tax Commissioner monthly.	12/20/06	1/11/07		Introduced in House 1/12/07
NATURAL RESOURCES				
LAND USE				
HB 1344 <i>Representative James Kerzman</i> Proposes to provide that individuals may petition a board of county commissioners to authorize the petitioner to improve a section line for the purpose of travel.	1/10/07			Referred to Political Subdivisions Committee 1/10/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 2039 <i>Legislative Council</i> Proposes to update North Dakota Code to specify that state use of eminent domain is subject Chapter 32-15, which defines purposes for which eminent domain may be used.	12/12/06			Failed in Senate 1/11/07
SB 2096 <i>Senate Natural Resources Committee</i> Proposes to authorize the state engineer to find the person responsible and charge a penalty if a building, structure, or boat, is on the bed of or adjacent to navigable waters and is a menace to life or property.	12/20/06			Considered in Natural Resources Committee 1/5/07
OTHER				
HB 1028 <i>Legislative Council</i> Proposes to establish an energy development and transmission committee which would study and review policy affecting extraction, generation, processing, transmission, transportation, marketing, distribution, and use of energy.	12/12/06	1/11/07		Sent to Senate 1/12/07
HB 1115 <i>Representative Phillip Mueller (D)</i> Proposes to create a center to research biomass energy, led by North Dakota state university researchers.	12/29/06			Withdrawn from further consideration 1/9/07
HB 1121 <i>House Transportation Committee</i> Proposes to update the code section related to fuels to provide definitions of alternative fuel and biodiesel.	12/26/06			Referred to Agriculture Committee 1/19/07
HB 1295 <i>Representative Robin Weisz (R)</i> Proposes to allow for an annual permit to be issued for the movement of excessive size and weight on state highways for one fee.	1/8/07			Considered in Transportation Committee 1/19/07
HB 1329 <i>Representative Don Vigasaa (R)</i> Proposes to provide a matching fund to the state historical society for upgrading and maintaining historical cold war missile sites.	1/10/07			Referred to the Government and Veterans Affairs Committee 1/10/07
SB 2095 <i>Senate Agriculture Committee</i> Proposes to update the definition of "commercial applicator", "public applicator", and "ready-to-use".	12/20/06	1/19/07		Sent to House 1/19/07
SB 2159 <i>Senator Jel Heitkamp (D)</i> Proposes to require ethanol dispensing units to have a label with the ethanol promotion and information council label or logo.	1/9/07			Passed Transportation Committee 1/19/07



Regulatory and Legislative News

**SOUTH
DAKOTA**

Regulatory Developments

Air Information

Regional haze and Western Regional Air Partnership (WRAP) – The South Dakota Department of Environment and Natural Resources (DENR) is discussing the regional haze issue and designing implementation guidelines. The Department is developing a regional haze SIP to protect its two Class 1 areas, Wind Cave and Badlands National Parks. The states in the WRAP region are in the process of developing a new 308 SIP template in response to recent litigation that invalidated the previous EPA method of calculating Best

Available Retrofit Technology (BART). No timeline for development is currently available. For more information, contact Rick Boddicker at (605) 773-6706.

Water Information

None.

Waste Information

None.

Legislative Developments

The South Dakota legislative session begins January 9, 2007 and ends in mid-March. For information on the legislative session, link <http://legis.state.sd.us/index.cfm>.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
WASTE				
NATURAL RESOURCES				
HB 1026 <i>House Agriculture, Conservation, and Natural Resources Committee</i> Proposes to clarify the definition of unprotected birds as those determined by the Game, Fish and Parks Commission that no longer merit protection.	Prefiled 1/5/07			Referred to the Agriculture and Natural Resources Committee 1/9/07
LAND USE				
OTHER				
SB 13 <i>Senate Transportation Committee</i> Proposes to amend the adoption date of federal regulations related to transportation of hazardous materials.	Prefiled 1/5/07	1/18/07		Referred to the Transportation Committee 1/19/07



Regulatory and Legislative News

UTAH

Regulatory Developments

Air Information

None.

Water Information

Amendments to the Water Pollution Control Facility Rules – The Utah Department of Environmental Quality (DEQ) is proposing the development of regulations to house the tax exemption requirements for water pollution control equipment. Written comments were due January 31, 2007. For more information, contact Rino Dicataldo at (801) 538-6054.
<http://www.rules.utah.gov/publicat/bulletin/2007/20070101/29326.htm>

Amendments to the Public Drinking Water System regulations – The DEQ is proposing to revise the public drinking water system regulations to require that any new public drinking water system categorized as a community water system or a public water system serving water to multiple property owners, be under the sponsorship of a "body politic." The DEQ extended the comment period to February 14, 2007. The rule may take effect March 2, 2007. For more information, contact Bill Birkes at (801) 536-4201. The proposed regulations are available at
<http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29307.htm> and
<http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29304.htm>.

Updates to the Drinking Water Regulations pursuant to the Federal Long Term 1 and 2 Surface Water Treatment rules – The DEQ is proposing to adopt updates to its drinking water regulations pursuant to the federal Long Term 1 and 2 Surface Water Treatment rules, the Stage 2 Disinfection Byproducts rule, and the Improvement Priority rule (IPS). The amendments are required for the State to retain primacy over its drinking water program. The DEQ is accepting comments on the proposed revisions through February 14, 2007. The rules

may take effect March 2, 2007. For more information, contact Patti Fauver at (801) 536-4196. The proposed amendments are available at
<http://www.rules.utah.gov/publicat/bulletin/2007/20070115/29369.htm>.

Waste Information

Revisions to the radioactive waste requirements – The DEQ is proposing to amend the Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities and the License Requirements for Land Disposal of Radioactive Waste to keep the requirements consistent with applicable law. Comments were due January 31, 2007. The rules are expected to take effect in March 2007. For more information, contact Philip Griffin at (801) 536-4261. Notice of the proposed rulemakings is available at
<http://www.rules.utah.gov/publicat/bulletin/2007/20070101/29333.htm> and
<http://www.rules.utah.gov/publicat/bulletin/2007/20070101/29332.htm>.

Legislative Developments

The Utah legislative session begins January 15, 2007 and ends February 28, 2007. For information on the legislative session, link: <http://www.le.state.ut.us/>.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
HB 99 <i>Representative Patrick Painter (R)</i> Proposes to amend the loan and grant programs for water projects administered by the DEQ.	1/15/07			Amended and passed Natural Resources, Agriculture & Environment Committee 1/19/07
SB 95 <i>Representative Mike Dmitrich (D)</i> Proposes to authorize the Water Quality Board to make rules regarding certification of instream flow change applications.	1/15/07			Referred to the Senate Natural Resources, Agriculture, and Environment Committee 1/15/07
WASTE				
SB 76 <i>Senator Scott McCoy (D)</i> Proposes to require recycling of certain electronic devices.	1/26/07			
NATURAL RESOURCES				
LAND USE				
OTHER				
HB 221 <i>Representative Ronda Rudd Menlove (R)</i> Provides that a notice of violation tolls the running of the time in which the DEQ may commence a civil action for a penalty.	1/15/07			Referred to the House Rules Committee 1/15/07



Regulatory and Legislative News

WYOMING

Regulatory Developments

Air Information

None.

Water Information

Amendments to the Wyoming surface water standards – The Wyoming Department of Environmental Quality (DEQ) is making amendments to its water quality standards as part of the State's Triennial Review. The amendments are all contained in Chapter 1, and include: replacement of the fecal coliform standard with the EPA's recommended e.coli standard; replacement of the state arsenic standard with EPA's maximum contaminant level

of 10 micrograms per liter; substitution of the dissolved fraction for total recoverable aluminum in the case of aquatic life values; and clarification that Class 2B waters (nondrinking waterbodies) are subject to the radium standard of 60 picocuries per liter. The Environmental Quality Council will hold a public hearing on February 15, 2007. For more information, contact Mr. Bill DiRienzo at (307) 777-7081. The draft revisions to Chapter 1 are available at http://deq.state.wy.us/wqd/watershed/surfacestandards/Downloads/Triennial/Chap_1_3rd.pdf

Waste Information

None.

Legislative Developments

The Wyoming legislative session begins January 9, 2007, and ends March 1, 2007. For information on the legislative session got to www.legisweb.state.wy.us/.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
HB 84 <i>Representative Rosie Berger (R)</i> Proposes to provide for the purchase of water rights for in-channel use.	1/9/07			Referred to Agriculture, Public Lands & Water Resources Committee 1/16/07
HB 136 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to provide for licensure of water well drilling contractors and water well pump installation contractors.	1/11/07			Referred to Agriculture, Public Lands & Water Resources Committee 1/11/07
SF 51 <i>Senator Cale Case (R)</i> Proposes to establish the state's right to acquire temporary water rights for highway or railroad construction or repair.	1/10/07	1/19/07		Sent to House 1/19/07
SF 55 <i>Senator John Schiffer (R)</i> Proposes to modify the authority of the administrator of the water quality division to recommend rules establishing effluent standards and limitation.	1/10/07			Referred to Minerals, Business & Economic Development Committee 1/10/07
WASTE				
HB 139 <i>Joint Minerals, Business and Economic Development Interim Committee</i> Proposes to create tank requirements for regulated substances.	1/8/07	1/18/07		Sent to Senate 1/18/07
HB 309 <i>Representative Frank Philp (R)</i> Proposes to provide deadlines relating to above ground storage tanks.	1/26/07			
NATURAL RESOURCES				
HB 62 <i>Select Natural Resources Funding Committee</i> Proposes to appropriate funds for wildlife protection through the state Wildlife and Natural Resource Fund.	1/3/07			Passed Appropriations Committee 1/19/07
HB 123 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to create a seed laboratory advisory group and designate duties.	1/8/07	1/17/07		Sent to Senate 1/17/07
SF 64 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to provide for cease and desist orders relating to nursery stock violations.	1/10/07	1/19/07		

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
LAND USE				
HB 10 <i>Joint Corporations, Elections and Political Subdivisions Interim Committee</i> Proposes that a county may elect to regulate parcels of land between 35 and 100 acres in size.	1/9/07			Referred to Corporations Elections, and Political Subdivisions Committee 1/9/07
HB 11 <i>Joint Corporations, Elections and Political Subdivisions Interim Committee</i> Proposes to provide exemptions from county subdivision regulations.	1/9/07			Passed Corporations Elections, and Political Subdivisions Committee 1/17/07
HB 57 <i>Representative Peter Illoway (R)</i> Proposes that annexed property must be contiguous to city or town boundaries before additional annexations can occur.	1/11/07			Referred to Corporations Elections, and Political Subdivisions Committee 1/11/07
HB 124 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to establish reclamation and restoration requirement for eminent domain.	1/9/07			Amended and passed by the Agriculture, Public Lands & Water Resources Committee 1/19/07
SF 30 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to distinguish state lands from public lands.	1/9/07	1/15/07		Referred to House Agriculture, Public Lands & Water Resources Committee 1/19/07
OTHER				
HB 179 <i>Joint Revenue Interim Committee</i> Proposes to amend fuel tax administrative provisions and amends the definition of alternative fuels including ethanol.	1/12/07			Passed second reading 1/19/07
SF 22 <i>Senator Tony Ross (R)</i> Proposes to declare that a board of county commissioners may regulate noise nuisances through the adoption of resolution and further remedies such as injunction, mandamus, or abatement. Filed 12/11/06	1/10/07			Indefinitely postponed 1/16/07